

ENTERED

February 15, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ROLANDO ANDRES GARCIA-MUNIZ,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL NO. 2:17-CV-79
	§	
MUSQUIZ C., <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

The Court has before it Plaintiff's Complaint (Dkt. No. 1), Plaintiff's Motions for Temporary Restraining Order ("TRO") or Injunction (Dkt. Nos. 6, 12), the Magistrate Judge's September 7, 2017, Memorandum and Recommendation ("M&R") (Dkt. No. 28), and Plaintiff's objections to the M&R (Dkt. No. 30).

On February 27, 2017, Plaintiff filed his complaint against various officers at the Federal Correctional Institution, Three Rivers ("FCI-Three Rivers"). Dkt. No. 1. Plaintiff primarily alleges that after he appealed one of Defendant Counselor Musquiz's ("Musquiz") disciplinary incident reports, Musquiz retaliated by charging Plaintiff with several disciplinary actions. *Id.* Plaintiff also alleges a larger conspiracy between Musquiz and other FCI-Three Rivers officials to retaliate against Plaintiff. *Id.* Plaintiff seeks injunctive relief against FCI-Three Rivers officials in the form of stopping his retaliatory acts and expunging all of the disciplinary reports issued against Plaintiff.¹

The Court *sua sponte* takes judicial notice that Federal Bureau of Prisons records indicate that Plaintiff was released on October 20, 2017.² *See Inmate Locator*, Federal Bureau of Prisons, <https://www.bop.gov/inmateloc/> (record for

¹ Plaintiff also seeks "criminal penalties" against Defendants for their behavior. Dkt. No. 1 at 4. This claim is not properly brought before the Court and is dismissed.

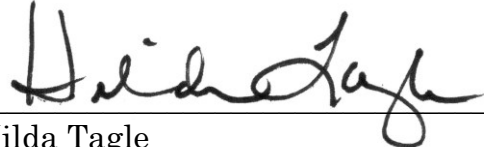
² The Court notes that neither party has informed the Court that Plaintiff is no longer incarcerated at FCI-Three Rivers, even though the Magistrate Judge stated in his M&R that Plaintiff was scheduled to be released on October 22, 2017, and reminded Plaintiff to "keep this Court updated as to his new address" should he be released from FCI-Three Rivers. Dkt. No. 28 at 4.

Plaintiff, Register Number 74469-079). Because Plaintiff is no longer housed at FCI-Three Rivers and is no longer under the supervision of Defendants, his claims for injunctive relief are now moot. This finding is consistent with the Court's November 28, 2017, dismissal of Plaintiff's separate habeas petition, in which the Court adopted the Magistrate Judge's recommendation and dismissed the case because Plaintiff was released from FCI-Three Rivers on October 20, 2017. *Garcia-Muniz v. Hanson*, Case No. 2:17-cv-131, Dkt. Nos. 10, 11 (M&R and order of dismissal).

Accordingly, the Court **DISMISSES AS MOOT** the above-captioned case and **DENIES AS MOOT** Plaintiff's Motions for TRO or Injunction (Dkt. Nos. 6, 12) and Plaintiff's self-styled "Appeal of the Magistrate Judge's Denial of Plaintiff's Motion for Permission to Submit a Second Supplemental or Amended Pleading" (Dkt. No. 29).

Final Judgment will be entered separately in accordance with Federal Rule of Civil Procedure 58.

SIGNED this 15th day of February, 2018.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge